

### **REMARKS**

Claims 1-13 are all the claims pending in the application. By this Amendment, Applicant editorially amends claims 1-4 and 7. The amendments to claims 1-4 and 7 were made for reasons of precision of language and consistency, and do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. The amendments to claims 1-4 and 7 were not made for reasons of patentability.

In addition, Applicant adds claims 8-13. Claims 8-13 are clearly supported throughout the specification, e.g. pages 4-5.

### **Preliminary Matters**

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received. In addition, Applicant thanks the Examiner for initialing the references listed on Form PTO/1449 submitted with the Information Disclosure Statements filed on December 21, 2000.

### **Summary of the Office Action**

The Examiner objected to the Drawings and the Specification. In addition, the Examiner objected to claim 2 and rejected claims 1-7 under 35 U.S.C. § 102(b).

### **Drawings Objection**

The Examiner has objected to the drawings because allegedly elements in the Drawings are not labeled. In particular, the Examiner alleges that elements S, M and C1 do not have an appropriate label (see page 2 of the Office Action). Applicant thanks the Examiner for indicating

with particularity which elements lack labels. The cited elements, however, are labels for the elements displayed in the Figures. For example, in Fig. 1, an element is a circle and its label is S, which as explained in the specification stands for a communication server. As a result, Applicant respectfully submits that elements in the Figures are properly labeled. Therefore, it is appropriate and necessary for the Examiner to withdraw this objection to the Drawings.

#### Specification Objection

The Examiner objected to the Abstract of Disclosure for being identical to the language in claim 1. Applicant herein amends the Abstract to exclude the objected terminology. In view of this amendment to the specification, Applicant respectfully requests the Examiner now to withdraw this objection.

#### Claim Objection

The Examiner objected to claim 2 because of minor informality. Applicant has revised the claim, and respectfully submits that the claim as now presented no longer includes the potential informality mentioned by the Examiner. Applicant therefore respectfully requests the Examiner to withdraw the objections to the claim.

#### Claim Rejections

Claims 1-7 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,718,137 to Chin (hereinafter “Chin”). Applicant respectfully traverses this rejection and respectfully requests the Examiner to reconsider this rejection in view of the comments, which follow.

Of the rejected claims, only claims 1 and 7 are independent. Claim 1 recites a unique combination of features including a software agent having “means for receiving a new communication module from said communication server.” The Examiner asserts that claim 1 is directed to a system for changing the communication means and is anticipated by the teachings of Chin. The Examiner asserts that the means for receiving a new communication module from the communication server is equivalent to Chin’s sending commands from the management station to the network element agent that directs the agent to modify certain operations of their network elements (see page 4 of the office action). Applicant respectfully disagrees. Applicant has carefully studied Chin’s discussion of the management station sending instructions to the agent to modify certain operations of its network elements, which is not similar to receiving a new communication module for communication between the agents.

The present invention is related to a distributed architecture. In general, in the distributed architecture, the machines on which the client and server programs execute are different and are connected through a network. Both the client and server machines must use a standard communications protocol, in order to communicate with each other. More sophisticated distributed-computing models and applications use an object-oriented approach with larger applications being divided into small containers or “objects” of program code and data. The program objects are distributed to both the server and the clients, with the details of network communication hidden from objects through the use of interfaces.

In the conventional systems, once the means of communication is established, it cannot be modified during the lifetime of the system. This is disadvantageous because sometimes the

established channel can be down. In the system of claim 1, however, these software agents are provided with “means for receiving a new communication module from said communication server.” Thereby, the communication means between these software agents can be changed.

Chin teaches a method for configuring a network element based on the operating parameters of another network element. Chin discloses a method for network devices in one group or operating at one layer to configure themselves in response to traffic conditions determined from a different layer with or without an intervention from a separate management station (col. 2, lines 51 to 55).

In particular, Chin teaches L1 NE and L2 NE being different network groups that are not participating in a common routing or bridging protocol. For example, L1 could be an optical transport NE with wave-division multiplexing (WDM), which provides a channel between L2a and L2b (see Fig. 1). L1 via an agent (management process) uses simple network management protocol (SNMP) to infer the conditions of the channel from L2a, or the L2a can be configured to send alarms to L1. Upon receiving an alarm or conditions, L1 determines to reconfigure its parameters and provide L2a and L2c with an alternative path (col. 6, line 55 to col. 7, line 3). Alternatively, a management station (MS) could use SNMP to acquire the conditions of the network elements and coordinate the behavior of different NEs (col. 6, lines 33 to 46).

Chin, however, is only remotely relevant to the subject matter of the present invention. Chin teaches NEs, which are network elements such as routers or bridges. Chin is not related to distributed architecture. Chin only teaches an agent for monitoring and managing of the network elements with which this agent is associated, and communicating with an external entity such as

a management station (col. 4, lines 45 to 65). Chin's agents, however, do not have means for receiving a new communication module to communicate with other agents. In Chin, the agents use SNMP, in order to obtain or transmit operating conditions of the NEs (col. 4, line 65 to col. 5, line 19). Chin fails to teach or suggest changing communication means between two agents. In Chin, the agents only use SNMP. Alternatively, the agents could use some other standardized predefined protocol (col. 4, lines 65 to 67). But, once the protocol is selected, the agents cannot switch to a different communication means by receiving a new communication module.

In other words, Chin's agents are no different from the agents in the conventional systems. That is, in Chin's system the agents communicate via SNMP to reroute the signal between the network elements. In short, Chin fails to teach or suggest a software agent with means for receiving a new communication module from the server for communication with another software agent. Chin only teaches receiving parameters to reconfigure paths between the network elements such as the routers.

Therefore, a system for changing communication means used for communication between two software agents as set forth in claim 1 is not taught or suggested by Chin, which lacks means for receiving a new communication module from said communication server. For at least these exemplary reasons, Applicant respectfully submits that independent claim 1 is patentably distinguishable from Chin. Applicant therefore respectfully requests the Examiner to withdraw this rejection of independent claim 1. Also, Applicant respectfully submits that claims 2-6 are allowable at least by virtue of their dependency on claim 1.

Independent claim 7 recites: “said server sending communication modules to said software agents, said communication modules being designed to give access to a different communication means” and “said software agents using said communication modules to continue communicating.” These features are similar to the features argued above with respect to claim 1. Chin fails to teach or suggest changing the means for communication between the software agents, only a standard predefined protocol is used. Therefore, arguments submitted with respect to claim 1 apply with equal force here. For at least substantially the same reasons, therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claim 7.

New claims

In order to provide more varied protection, Applicant adds claims 8-13. Claims 8-13 are patentable at least by virtue of their dependency on the independent claim 1 or 7.

Conclusion and request for telephone interview

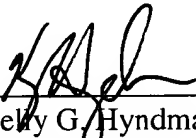
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111  
U.S. Application No.: 09/740,823

Attorney Docket No.: Q62379

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
\_\_\_\_\_  
Kelly G. Hyndman  
Registration No. 39,234

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: July 21, 2004